
From: Steve Peters <SPeters@valleywater.org>
Sent: Tuesday, June 28, 2022 2:10 PM
To: Mak, Kavita
Cc: Pugel, Kim; Charlene Sun; Broughton, Amy; McCurdy, Alaina
Subject: RE: WIFIA compliance question

Hi Kavita,

Thanks for the explanation – it helps a lot. Yeah, the installation and start-up services for the substation are part and parcel of the purchase of the equipment, so we are not inclined to add the federal compliance language to that contract (to clarify: there are separate contracts for each equipment purchase). We're currently working on finalizing the construction bid for the installation of the Modular Chiller Plant, including the insertion of the federal compliance requirements/language. Can we run the compliance language section(s) of the bid document by you when we're ready to see if it is satisfactory?

Regards,
Steve Peters

From: Mak, Kavita <mak.kavita@epa.gov>
Sent: Tuesday, June 28, 2022 9:06 AM
To: Steve Peters <SPeters@valleywater.org>
Cc: Pugel, Kim <Kim.Pugel@stantec.com>; Charlene Sun <CSun@valleywater.org>; Broughton, Amy <amy.broughton@stantec.com>; McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Subject: RE: WIFIA compliance question

Hi Steve,

I think I can answer these questions over email.

- 1) The federal requirements you listed (Davis-Bacon, EEO, etc) mainly apply to construction contracts. I don't think you would need to include this in equipment purchase contracts. This would include equipment purchase contracts where there is some minimal installation and start-up services because you could argue the primary purpose of the contract is to purchase equipment. If these contracts have a significant amount of installation work involved then you may need to add in the federal requirements language because it would start looking like a construction contract.
- 2) Neither the modular chiller plant or the secondary unit substation are considered "covered products" under the AIS requirements for the reasons you stated. These are definitely mechanical/electrical systems and they are clearly being purchased as a unit. The AIS requirements only cover basic iron and steel items, that are typically purchased separately and not part of an electrical or mechanical assembly.

I hope this explanation helps. Let me know if you have any other questions.

Thanks,
Kavita

Kavita Mak, P.E.
WIFIA Program
(O) 202-566-2999

From: Steve Peters <SPeters@valleywater.org>
Sent: Monday, June 27, 2022 5:49 PM
To: Mak, Kavita <mak.kavita@epa.gov>
Cc: Temple, Leslie <temple.leslie@epa.gov>; Pugel, Kim <Kim.Pugel@stantec.com>; Charlene Sun <CSun@valleywater.org>; Broughton, Amy <amy.broughton@stantec.com>
Subject: FW: WIFIA compliance question

Hi Kavita,

I saw that you responded to another of Amy's emails from Friday offering up some time for a quick call about AIS/general compliance related to the procurement of the Master Chiller Plant (MCP) and the Secondary Unit Substation (specs/drawings attached). Thank you.

The equipment mentioned was procured under a separate contract from the construction contract that is going to bid very soon for the installation of the MCP. As Amy mentioned below, WIFIA requirements were not included in the specifications. We want to confirm with you whether there is anything we need to or can do, if there is a need at all, to satisfy the compliance requirements.

A few questions are: Do equipment purchase contracts without installation services require Davis-Bacon, EEO, compliance? What about equipment contracts will some installation/start-up services (i.e., the Secondary Unit Substation)? Is the equipment exempt from AIS because "mechanical and electrical...systems are not considered construction materials"?

Let us know if you want more information. If you would like more information in a call we'd be happy to do that.

Regards,
Steve Peters

From: Broughton, Amy <Amy.Broughton@stantec.com>
Sent: Friday, June 24, 2022 1:51 PM
To: Mak, Kavita <mak.kavita@epa.gov>
Cc: Temple, Leslie <temple.leslie@epa.gov>; Pugel, Kim <Kim.Pugel@stantec.com>; Steve Peters <SPeters@valleywater.org>; Charlene Sun <CSun@valleywater.org>
Subject: WIFIA compliance question

Hello Kavita,

I have a question regarding a piece of equipment Santa Clara Valley Water District has purchased for a project we intend to include in our Water Reliability Program WIFIA loan.

Procurement for this chiller was initiated in May. WIFIA requirements were not included in the specifications – maybe it's a non-issue? Maybe we need an addendum/change order?

Can you provide guidance on next best steps?

Thanks,
Amy

P.S. I will be on vacation next week through July 6th. Forgive any delay in responding to emails, calls, etc. Charlene, Steve and Kim should be able to assist with any questions you may have.

Amy Broughton

Senior Principal

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From: Charlene Sun <CSun@valleywater.org>

Sent: Thursday, June 23, 2022 2:48 PM

To: Broughton, Amy <Amy.Broughton@stantec.com>

Cc: Steve Peters <speters@valleywater.org>

Subject: FW: Chiller and MCP Plans and specs

Hi Amy

As discussed, please review the attached and reach out to the EPA to confirm what, if any, of the WIFIA federal compliance needs to be implemented for these 2 procurements and let us know the next steps.

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Thanks

Charlene Sun

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